

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

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UNITED STATES PATENT AND TRADEMARK OFFICE

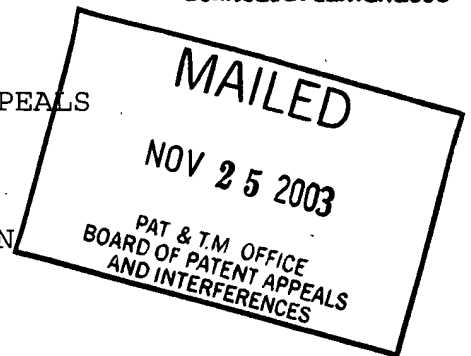
**DIRECTOR OFFICE
TECHNOLOGY CENTER 2000**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD H. WARREN

Appeal No. 2002-1989
Application 09/216,036

ORDER DISMISSING APPEAL



Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH, and NASE, Administrative Patent Judges.

Per curiam.

On February 14, 2003, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 35 CFR § 1.114. Pursuant to the notice entitled, "Request for Continued Examination Practice and Changes in Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been

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taken, but prior to a decision on appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.


The application is being returned to the examiner for further action as may be appropriate.

DISMISSED

GARY V. HARKCOM, Acting Chief)
Administrative Patent Judge)


WILLIAM F. SMITH
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES


JEFFREY V. NASE
Administrative Patent Judge

GVH: dal

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McDERMOTT, WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096